

Chapter 102 – Lighting

§ 102-1. Purpose.

The purpose of this chapter regulating lighting is as follows:

- A. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security and enjoyment.
- B. Minimize glare and obtrusive outdoor lighting.
- C. Conserve energy.

§ 102-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FILTERING -- Covering for a lamp or other light source with a glass or acrylic translucent enclosure of the light source.

FULLY SHIELDED—Outdoor light fixtures shielded or constructed so that no direct light rays are emitted by the installed fixture which go beyond the property lines of the lot(s) on which the light source is located and the bulb cannot be seen from any other property.

INDOOR LIGHT—Illumination initiated, created or generated from the interior of a building or structure which is directed, reflected, filtered or otherwise from the interior to the exterior.

INSTALLED—The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

LIGHTING FIXTURE -- An assembly of one or more lamps (bulbs), tubes, etc., in a device designed to hold them. The fixture may include a shielding or filtering cover.

OUTDOOR LIGHT FIXTURES -- Illuminating devices, lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot and flood lights.

PERSON -- Includes firms, companies, corporations, partnerships, associations, or any organizational entity as well as individuals.

SHIELDING -- A device that eliminates direct light rays (from a lamp or other light source) in one or more directions.

§ 102-3. General Provisions.

- A. All outdoor illuminating devices shall be installed in conformance with the provisions of this chapter and the applicable sign regulations.
- B. Lighting, indoor or outdoor, on all properties shall be arranged so as not to reflect or cause glare onto any other property.
- C. For the purpose of this chapter, the following persons shall be presumed to be in custody and control;
 - (1) An individual owner or owners where the premises are owner occupied.
 - (2) The tenant where the premises are leased.

- (3) A manager or person in charge of the premises.

§ 102-4. Approved materials and methods of construction or installation/operation.

The provisions of this chapter are not intended to prevent the use of any design, material or method of installation or operation not specifically prescribed by this chapter, provided that any such alternative has been approved. The Building Official may approve any such proposed alternative, provided that:

- A. It provides at least approximate equivalence to the applicable specific requirements of this chapter.
- B. It is otherwise satisfactory and complies with the intent of this chapter.
- C. Outdoor light(s) are fully shielded and not higher than 30 feet above ground level if attached to a pole or above the bottom of the roofline if attached to a building.
- D. Outdoor lighting under canopies or overhangs are fully shielded and not higher than 30 feet from ground level.
- E. The highest part of any bulb or light fixture is used in determining whether light(s) meet the height limitations of this chapter.
- F. All exterior light(s) or lighting are to be locked in a fixed position.

§ 102-5. Shielding/Filtering required.

- A. All outdoor lighting fixtures shall have shielding as required by this chapter.
- B. Metal halide fixture lamp types shall be filtered.

§ 102-6. Submission of plans; evidence of compliance with regulations.

- A. Submission contents. The applicant for any permit required by any provision of the laws of this town in connection with proposed work involving outdoor light fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this chapter. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the laws of this town upon application for the required permit:
 - (1) Plans indicating the location of all exterior lighting on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.
 - (2) A description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices, and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections if needed to make the application clear).
 - (3) Photometric data, such as that furnished by manufacturers, or similar material showing the angle of cut off or light emissions.
- B. Additional submission. The plans, descriptions and data required in this section shall be sufficiently complete to enable the Building Official to determine readily whether compliance with the requirements of the Code will be secured. If such plans, descriptions and data cannot enable this determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall additionally submit evidence of certified reports of tests showing compliance, provided that these tests shall have been performed and certified by a recognized testing laboratory.
- C. Lamp or fixture substitution. Should any outdoor light fixture be changed after the permit has been issued, a change request must be submitted to the Building Official for his or her approval, together with adequate information to assure compliance with the chapter, which must be received prior to substitution.

§ 102-7. Prohibitions.

- A. Certain fixtures and lamps. The installation or use of any mercury vapor, low-pressure sodium, high-pressure sodium, metal halide, fluorescent, quartz or any incandescent lighting fixture or lamp greater than 160 watts which is not fully shielded as provided in the chapter.
- B. Laser source light.
- C. Searchlights.

§ 102-8. Restrictions on use.

The following apply to lamps (bulbs) with or without shielding or filtering and to lighting fixtures:

- A. Spotlights and floodlights shall be arranged so as not to directly illuminate structures on adjacent or other properties.
- B. Illumination by any device or combination of devices (including those cited in Subsection A above) that is/are located within a structure, attached to a house or other structures or located anywhere on a residential or commercial property shall not produce light intensity at any adjacent property boundary in excess of five (5) footcandles as measured by a light meter or similar device.
- C. Special attention shall be given to exposed light bulbs that are unprotected by filtering covers or shielding or not recessed into porch ceilings or roof overhangs. Such exposed light bulbs may cause glare even if all of the other provisions of this article are observed. If this occurs, corrective action, such as shielding or filtering, shall be taken.

§ 102-9. Temporary exemptions; exceptions.

- A. Request; renewal; information required. Any person may submit a written request, on a form prepared by the town, to the Building Official for a temporary exemption from the requirements of the chapter.
- B. Approval; duration. The Building Official shall have five business days from the date of submission of the request for temporary exemption to act, in writing, on the request. If approved, the exemption shall be valid for not more than 30 days from the date of issuance of the approval. The approval shall be renewable at the discretion of the Building Official upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than 30 days.
- C. Disapproval; appeal. If the request for temporary exemption is disapproved, the person making the request may appeal to the Town Council pursuant to § 102-12.
- D. Excepted from this chapter is lighting provided by the Town of Fenwick Island, county or state governments and temporary emergency lighting provided by police, firemen, electric utility companies and other such organizations. When needed, the town may allow individual residents to provide temporary emergency lighting.
- E. Exterior holiday lights are exempt.

§ 102-10 . Other exemptions.

Outdoor lighting fixtures installed prior to and operable on June 21, 1996 shall comply with the requirements of this chapter no later than July 31, 2016.

§102-11. Written notice of violation.

In the event any person shall be found in violation of any section of this chapter, he/she or it shall be given notice in writing, by certified mail, return receipt requested, with copy by the same method to the owner of the property if different from the person given notice. The owner shall correct the violation within 30 days of the mailing of such notice.

§ 102-12 . Appeals.

Any person aggrieved by any decision of the Building Official made in administration of this chapter has the right to appeal to the Town Council, within 15 days of receipt of notice, by giving written notice of his or her election to do so to the office of the Town Manager and upon payment of a fee as set by resolution of the Town Council from time to time; the Town Manager shall notify the Secretary of the Town Council and shall transmit to the Secretary all the papers constituting the record upon which the decision appealed from was taken. Town Council shall set a date, time and place for the hearing of the appeal, which time and date may be at a regular Town Council meeting or a special meeting of the Town Council, so long as the applicable notice and time requirements may be met. Notice of the appeal and scheduling of the appeal before Town Council shall be sent to the appellant at least 15 days prior to the hearing date. In the event of such an appeal, enforcement is stayed until a decision has been reached by Town Council. Any decision made by Town Council is final.

§ 102-13. Violations and penalties.

Any person found guilty of violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of \$100 as well as costs of prosecution and any court-imposed assessments. Each day that a person continues to violate the provisions of this chapter shall be deemed to be a separate offense.

§ 102-14. Applicability; severability.

- A. The provisions of this chapter are in addition to, and not in derogation of, the provisions of any other applicable laws governing lighting, including but not limited to the provisions of § 135-2H and I.
- B. The provisions of this chapter are severable. If any section, subsection, sentence, clause or phrase of this chapter or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this chapter is and shall remain in full force and effect.